

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

FEDERAL TRADE COMMISSION,

Plaintiff,

vs.

AMG SERVICES, INC., *et al.*,

Defendants.

Case Nos.: 2:12-cv-00536-GMN-VCF
2:18-cv-01813-GMN-DJA
2:18-cv-02281-GMN-VCF
2:17-cv-02966-GMN-NJK
2:17-cv-02967-GMN-BNW
2:17-cv-02968-GMN-NJK
2:17-cv-02969-GMN-DJA

AMENDED ORDER¹

Pending before the Court is court-appointed monitor Thomas W. McNamara's ("the Monitor's") Motion to Extend Time for Completion Deadline for Monitor, (ECF No. 1315). Plaintiff Federal Trade Commission ("FTC") and Defendants AMG Services, Inc., *et al.* ("AMG Services") filed Responses, (ECF Nos. 1319, 1320).

For good cause appearing, the Court grants the Monitor's Motion to Extend Time for Completion Deadline for Monitor. The Monitor asserts that despite the Supreme Court's decision in *AMG Capital Management, LLC v. Federal Trade Commission*, 593 U.S. ____ (2021), his appointment has not been invalidated because his authority "derives from the inherent power of a court of equity to fashion effective relief," rather than from the FTC's authority to pursue monetary remedies under Section 13(b) of the FTC Act. (Mot. Extend Time 2:13-25, ECF No. 1315); (Mot. Status Conference 2:12-24, ECF No. 1308). In contrast, AMG argues that because the Supreme Court found that "§ 13(b) does not 'authorize[] the

¹ This Amended Order clarifies that only the parties in *FTC v. AMG Services, Inc.*, No. 2:12-cv-00536-GMN-VCF, are ordered to appear at the status conference on July 13, 2021.

1 Commission to seek, [or] a court to award, equitable monetary relief,” the monitorship should
2 be terminated. (AMG Services’ Resp. 3:6–7, 4:10–11, ECF No. 1320). Because there are
3 unresolved issues regarding the Monitor’s authority and the administration of the monitorship
4 estate, it is premature to terminate the monitorship at this time. However, the parties shall
5 appear for a status conference on Tuesday, July 13, 2021, at 10:00 a.m. to determine the
6 Monitor’s continued authority and the future of the monitorship estate.

7 Accordingly,

8 **IT IS HEREBY ORDERED** that the Monitor’s Motion to Extend Time for Completion
9 Deadline for Monitor, (ECF No. 1315), is **GRANTED**.

10 **IT IS FURTHER ORDERED** that the parties in *FTC v. AMG Services, Inc.*, No. 2:12-
11 cv-00536-GMN-VCF, shall appear for a status conference on Tuesday, July 13, 2021, at 10:00
12 a.m.

13 **DATED** this 23 day of June, 2021.

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16 _____
17 Gloria M. Navarro, District Judge
18 United States District Court
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